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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 7882/2024**

SUNIL KUMAR

.....Petitioner

Through: Mr. R.S. Maurya and Mr. Harish,
Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Ravi Rana, P.S. Narela,
Industrial Area.
Mr. Deepak Kumar, Advocate for the
Respondent.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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07.10.2024

CRL.M.A. 30068/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 7882/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No. 5/2019 dated 07.01.2019 registered under sections 498-A/406/34 of the Indian Penal Code, 1860 ('IPC') at P.S.: Narela Industrial Area, Delhi.



2. The petition is premised on Mediated Settlement dated 23.03.2024 arrived at through mediation before the Delhi Mediation Centre, Rohini District Courts, Delhi; and Divorce Decree dated 10.07.2024, which is the culmination of petitions under sections 13B(1) and 13B(2) of the Hindu Marriage Act 1955, whereby the parties had sought dissolution of their marriage by mutual consent.
3. From the record, it is seen that 03 co-accused persons, viz. Devi Singh, Manoj Kumar and Kusum Lata, were discharged; and the petitioner is accordingly the only accused left in the matter.
4. The petition is supported by affidavit of the petitioner, as also of respondent No. 2, alongwith proof of their IDs.
5. The petitioner as well as respondent No. 2 are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
6. The parties have confirmed that 01 child, viz. Manas Vardhan, was born from the wedlock, who is minor as of date.
7. No appeal is stated to have been filed from the divorce decree.
8. The court has queried respondent No. 2, who confirms that she has taken divorce by mutual consent; and that a mediated settlement has been entered into between the parties; and that in full-and-final settlement of all her claims including towards maintenance (past, present and future), *stridhan*, dowry articles, jewellery, permanent alimony, etc., she was to receive a sum of Rs. 10,00,000/- from the petitioner; out of which Rs. 7,50,000/- was paid earlier and Rs.2,50,000/- has been paid in court today, in compliance of the terms



of the mediated settlement. Respondent No. 2 confirms that all aspects of the settlement have now been performed.

9. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIR being quashed.
10. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
11. Accordingly, FIR No. 5/2019 dated 07.01.2019 registered under sections 498-A/406/34 IPC at P.S.: Narela Industrial Area, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Though as per the agreement between the parties, the custody of the minor son is to remain with respondent No.2, it is clarified that such agreement will not affect the rights of the child to interact and engage with his father, as he may decide, subject to logistical convenience of the parties.
13. Needless to add, the settlement between the parties leading to the closure of all criminal proceedings by way of the present order will in no way affect the property rights and other rights of the minor child, namely Manas Vardhan, *vis-à-vis* his father, as may be available under law, in any manner whatsoever.



14. Petition stands disposed-of.
15. Pending applications, if any, also stand disposed-of.

OCTOBER 7, 2024/ak

ANUP JAIRAM BHAMBHANI, J